

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
SOTHEBYS, INC.,

Plaintiff,

-v-

FREDERIC THUT, BETTINA VON MARNITZ THUT,  
and FAAM, LLC,

Defendants.

CIVIL ACTION NO.: 21 Civ. 6574 (AJN) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

The Honorable Alison J. Nathan has referred Plaintiff's Motion for Default Judgment (ECF No. 28 (the "Motion")) to me for a Report and Recommendation. (ECF No. 32). Plaintiff seeks an award of compensatory damages, plus pre-judgment interest, relating to monies that Defendants received for the sale of certain property that they consigned to Plaintiff for auction. (See ECF No. 30-4). In support of the Motion, Plaintiff has submitted a declaration and evidentiary material. (ECF No. 31). On January 24, 2022, Plaintiff served Defendants with the Motion and supporting materials. (ECF No. 33).

Accordingly, it is hereby **ORDERED** that Defendants shall submit their response, if any, to Plaintiff's Motion, no later than **February 18, 2022**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S MOTION, OR (2) FAIL TO CONTACT MY CHAMBERS BY FEBRUARY 18, 2022 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING THE MOTION AND DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District

Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.’’ (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on Defendants and to file proof of service by no later than **February 7, 2022**.

Dated: New York, New York  
February 4, 2022

SO ORDERED.

  
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SARAH L. CAVE  
United States Magistrate Judge